

registered practitioner' although he was in fact only a registered licentiate of the Society of Apothecaries. The matter came before the Queen's Bench Division on a rule *nisi* for a *certiorari*. The Court discharged the Rule. In the course of his judgment Lord Coleridge, C.J. said, "Now the argument of Mr. Harris, driven to its conclusion, resulted in this, that a man registered under the Act as having one qualification may claim any other qualification mentioned in the 40th section without incurring the penalty. Now I must say myself, I think that a perfectly monstrous contention." The learned Chief Justice then quoted with approval from judgment of Lord Bramwell in the case of *Ellis v. Kelly*.

In the case of *Hunter v. Clare*, (1899) 1 Q.B. p. 635, the appellant Hunter was registered under section 6 of the Medical Act as a medical practitioner entitled to practise medicine, surgery and midwifery. He described himself as a physician. The Court held that he was not entitled so to describe himself but held further that he had not acted 'wilfully and falsely.' Channell, J. distinguished this case from the case of *Reg. v. Baker*. Lawrence, J. did not refer to the case at all, and it would certainly appear that the decisions are inconsistent.

However that may be, the result of the decisions appears to be this. If the practitioner has a proper qualification though not a qualification which would strictly entitle him to use a description implying that he is registered under section 40 of the Act, the Court may on the facts give him the benefit of the doubt and acquit him on the ground that *mens rea* has not been established. When however, the practitioner has no qualification, or a qualification as in *Andrews v. Styrap*, which he must have known to be worthless, the practitioner must be presumed to have used the title of 'Dr.' or 'physician' wilfully and falsely.

In the present case it cannot be supposed that the appellant considered himself entitled to use the title of doctor. In fact he practised for years without using that title. When he did use it he must have done it 'purposely' or in the eyes of the law with criminal intent. I think, therefore, that he was rightly convicted and that the appeal must be dismissed.

Appeal dismissed.

Solicitors for the Appellant—*Mendis & Ahlip*.

[ORIGINAL CIVIL JURISDICTION]

MURISON, C.J.

March 22, 1929.

RE LIM QUEE GEOK (M.W.)

[SINGAPORE BANKRUPTCY No. 8 of 1929]

Bankruptcy—Jurisdiction to adjudge bankrupt a married woman—Ordinance No. 76

(*Married Women's Property*) S. 1 (5)—*Ordinance No. 44 (Bankruptcy)* S. 117.

The Court has no jurisdiction to adjudge bankrupt a married woman without proof that she has separate property.

Petition in bankruptcy.

The debtor Lim Quee Geok who was a married woman dealt in diamonds and jewellery but she kept no place of business. She bought jewellery to order and sold it to her customers. Her debtors having failed to pay she became insolvent. The petitioning creditor applied to have her adjudged bankrupt on the ground that she was carrying on a trade separately from her husband. The debtor denied that she had any separate property.

Cobbett for the petitioning creditor. *Ordinance No. 44 (Bankruptcy)* Section 117 and *Ordinance No. 76 (Married Women's Property)* Section 1 (5) are to be read together. *Re Miles*, 8 S.S.L.R. 18.

Demuth for the debtor.

The Court has no jurisdiction to make an order of adjudication against a married woman without proof that she has separate property. *Ordinance No. 44 (Bankruptcy)* S. 117.

The debtor gave evidence to the effect that she had no separate property.

Cur. Ad. Vult.

Counsel agreed that Section 1 (5) of The Married Women's Property Ordinance, 1902 was no longer law in the Colony (i.e. since the Revised Edition of the Straits Settlements Laws 1926 Ed.)

The Court referred to *Re Simon*, (1909) 1 K.B. 201.

MURISON, C.J. delivered a short oral judgment.

I think the words "if any" (in Section 117 of Ordinance No. 44) mean that it must be proved that the debtor had some assets. I have no such evidence. The petition is therefore refused with costs.

Petition refused.

Solicitors for the petitioning creditor—*Rodyk & Davidson*.

Solicitors for the debtor—

Shelley-Thompson & Demuth.